

Thomas-Jensen
Affirmation
(redacted)

Exhibit # 79

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, ET AL.

Plaintiffs,

v.

DONALD TRUMP, in his Official
Capacity as President of the United
States, et al.

Defendants

C.A. No. 25-cv-39-JJM-PAS

**Declaration of Myra Kunas,
Assistant Commissioner of Health Protection,
Minnesota Department of Health**

Myra Kunas declares as follows:

1. I am the Assistant Commissioner for Health Protection at Minnesota Department of Health (“MDH”), a position I have held since 2023. I have been at MDH since 2007. I currently oversee the Environmental Health Division, the Infectious Disease Epidemiology Prevention and Control Division, and the Public Health Laboratory.

2. I make this declaration in my official capacity. I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff.

3. In Minnesota, MDH is responsible for protecting, maintaining and improving the health of all Minnesotans. Among other things, our agency

- monitors infectious diseases and responds to outbreaks;
- ensures drinking water throughout Minnesota is safe;
- supports statewide food programs for infants, children, and women;
- advances policies and programs to prevent chronic diseases and improve mental health;
- inspects nursing homes, hospitals, and other facilities to ensure quality care; and
- provides newborn screenings with an eye toward prevention of long-term health problems and to catch rare disorders.

4. I am providing this declaration to explain some of the adverse impacts of the threatened and actual suspensions and impoundments of federal grant funding resulting from: (1) President Trump’s Executive Orders; (2) the memorandum “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) (“OMB Memo”); and (3) other federal agency actions.

5. MDH continues to see impacts from federal funding suspensions. Through the federal government’s various notifications to MDH in recent days, we are aware that many federal funding sources for Minnesota programs are on hold, while at least one was suspended altogether through February 4, 2025.

6. MDH is the recipient of at least 215 separate federal grants that fund critical programs designed to protect and improve Minnesotans’ health, all of which were duly awarded through grant-award processes between the Minnesota programs and the federal government. The programs rely on continued federal funding to perform the tasks required by MDH’s agreements with the federal government.

7. *The grant funding impoundments threaten every single federal grant that MDH*

receives. The outer scope of the federal funding impoundments remains unclear, but information MDH has already received demonstrates the extraordinary scope of the actual suspensions implemented over the last week and the continued threats to our federal funding. MDH's knowledge is based upon a review of a list of programs circulated (to our understanding) in connection with the OMB Memo, various executive orders, direct communications from the federal government, and the denial of MDH's access to the funding portals that MDH uses to draw funding.

8. In 2024 alone, MDH received \$451,847,000 in federal funding, and it expects to receive approximately \$489,570,000 in 2025. On average, federal funding makes up approximately 45% of MDH's annual budget.

9. However, this is not a story just about dollars. It's a story about the direct health impacts of the federal government's stop-funding actions on millions, if not all, of Minnesotans.

10. For instance, MDH is the recipient of federal grant fund programs to implement measures that ensure safe drinking water for Minnesotans. But the federal government denied MDH's access to funding under that program (federal funding makes up approximately 80% of the budget for this program) during at least part this past week. This program's federal funding includes funding from the Infrastructure Improvement and Jobs Act ("IIJA"). For several days, MDH was unable to draw \$3.045 million in charge backs and has been told that all draws related to the IIJA are suspended. Attached to my declaration as Exhibit A is a screenshot showing that as of February 4 at 1:46 p.m., more than \$25 million in grant funding for lead line replacements remained suspended, though at the time of my signature, access is currently reinstated.

11. With the IIJA funding, the safe drinking water program pays for lead service line

replacements across Minnesota, ensuring that homes receive safe drinking water. The other funding sources allow MDH's program to replace water treatment plants that are no longer able to keep up with filtration of harmful water contaminants such as manganese and PFAS, and make other capital improvements related to water quality.

12. If lead is consumed, it can cause numerous negative health effects, including slow development or learning, behavior, and hearing problems in children. In adults, there is an increased risk of heart disease, high blood pressure, and more. Lead can damage the brain, kidneys, and the nervous system, and the damage is irreversible. PFAS can increase cholesterol levels, lower antibody response to some vaccines, change liver enzymes, cause pregnancy-induced hypertension and preeclampsia, decrease birth weight, and cause kidney and testicular cancer, among other issues.

13. Initiated in 1998, the federal capitalization grant awards and state match appropriations for this program through Minnesota Public Facilities Authority ("PFA") funds have made 537 loan commitments to 315 borrowers for approximately \$1.29 billion. Some borrowers may have received multiple loans. These numbers do not include grant funds, and many projects are a combo of loans and grants.

14. Without access to the federal funds (those dollars already awarded and obligated for these drinking waters programs), individual Minnesotans will need to pick up the slack. The federal government's failure to meet its financial obligations would leave a gap, putting the safety of Minnesotans' drinking water at risk. This imperils the health and well-being of Minnesotans, especially Minnesota's children.

15. The federal government also awarded grants to have Minnesota provide critical

epidemiology lab capacity. This is another example—one that affects not just Minnesotans, but also the region, and even the entire United States and world. Yet despite the grant agreement between Minnesota and the federal government to perform this critical work, the federal government has ordered MDH to stop work. Specifically, MDH received a cease-and-desist notice from U.S. Centers for Disease Control (“CDC”) related to grants associated with infectious disease and public health laboratory work. The infectious disease program is funded 94% with federal funds – just over \$205 million for fiscal year 2024, and this program would be stopped without these funds.

16. The State public health lab provides testing for respiratory illnesses, antibiotic resistance, foodborne illnesses, avian influenza, and more. The State lab serves Minnesota, but also is a regional lab for many surrounding states that rely on its capacity, including Arkansas, Iowa, Nebraska, North Dakota, Oklahoma, South Dakota, and others.

17. If someone gets sick at a restaurant, the lab program is responsible for determining the pathogen and assisting in stopping the outbreak from spreading. This work includes not just lab work, but also on the ground inspections, interviews, and personnel to track and trace the outbreak. More people will get sick in such instances if this program shut down.

18. If a nursing home has an antibiotic-resistant organism getting residents sick, the State lab tests and epidemiologists provide guidance to stop the outbreak.

19. The lab provides valuable feedback each year to the CDC, based on the data it collects about influenza, to assist the CDC in determining which strains to include in the yearly influenza vaccine that saves lives year after year.

20. The State lab regularly reports to the CDC, that uses its data and information to make epidemiologic decisions in the U.S. and around the world.

21. Without the State lab and epidemiologists, the spread of disease would be largely unrestrained, and outbreaks would be harder to control and deadlier.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: 2.5.2025



Myra Kunas
Assistant Commissioner
Minnesota Department of
Health

EXHIBIT A

Exhibit A

SENSITIVE BUT UNCLASSIFIED



Account Balance Inquiry

Date: 02/04/2025
Time: 1:46 PM

ALC/Region:
68128933

Agency Short Name:
RTP-Grants

Account ID:
N/A

Recipient ID:
[REDACTED]

Requestor ID:
N/A

Account Status:
Suspended

As of Date:
Feb 3, 2025

Inquiry Results:

Recipient ID	Short Name	Account ID	Cumulative Authorizations	Cumulative Draws/RP/BE	Current Available Balance
[REDACTED]	MDH	[REDACTED]	\$28,716,000.00	-\$1,130,460.46	\$27,585,539.54
		Totals:	\$28,716,000.00	-\$1,130,460.46	\$27,585,539.54

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SENSITIVE BUT UNCLASSIFIED